

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JACK MONTERA,

Plaintiff,

v.

SOCIAL SECURITY  
ADMINISTRATION and THE  
UNITED STATES OF AMERICA,

Defendants.

NO. CV-07-234-RHW

**ORDER DENYING PLAINTIFF'S  
MOTIONS TO DISMISS**

Before the Court are Plaintiff's Motions to Dismiss (Ct. Recs. 5, 6, 7, and 11) and Motion to Strike (Ct. Rec. 19).

In his motions, Plaintiff appears to be making the same argument. Plaintiff objects to the United States' motion to substitute the United States as a defendant in this action in place of Ms. Anderson. Plaintiff also seeks to have this action remanded to Spokane County Superior Court.

On September 14, 2007, the Court granted the United States' Motion for Substitution and Dismissal (Ct. Rec. 9). The Court construes Plaintiff's motions as motions for reconsideration. Under Fed. R. Civ. P. 59 (e), a motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with the need to correct a clear error or prevent manifest injustice, newly discovered evidence is introduced, or there is an intervening change in the controlling law. *389 Orange Street Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999). Thus, to succeed in a motion for

1 reconsideration, a party must set forth facts or law of a strongly convincing nature  
2 to induce the Court to reverse its prior decision. *See Kern-Tulare Water Dist. v.*  
3 *City of Bakersfield*, 634 F. Supp. 656, 665 (E.D. Cal. 1986), *aff'd in part and rev'd*  
4 *in part on other grounds*, 828 F.2d 514 (9th Cir. 1987).

5 Plaintiff has not shown that the Court committed clear error in granting the  
6 United States' motion. Moreover, pursuant to 28 U.S.C. § 1442, the United States  
7 is entitled to remove this action to federal court.

8 Accordingly, **IT IS HEREBY ORDERED:**

9 1. Plaintiff's Motion to Dismiss (Ct. Rec. 5) is **DENIED**.

10 2. Plaintiff's Motion to Dismiss Substitution of Ms. Anderson for United  
11 States of America (Ct. Rec. 6) is **DENIED**.

12 3. Plaintiff's Amended Motion to Dismiss Substitution of Ms. Anderson  
13 for United States of America With Oral Argument (Ct. Rec. 7) is **DENIED**.

14 4. Plaintiff's Motion to Dismiss Substitution of Ms. Anderson for United  
15 States of America With Oral Argument (Ct. .Rec. 11) is **DENIED**.

16 5. Plaintiff's Motion to Strike (Ct. Rec. 19) is **DENIED**.

17 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
18 Order and forward copies to Plaintiff and counsel.

19 **DATED** this 13<sup>th</sup> day of November, 2007.

20 *S/ Robert H. Whaley*

21 ROBERT H. WHALEY  
22 Chief United States District Judge  
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